

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN MOORE,

16 Civ. 4773 (KMK)

Plaintiff,

-against-

ANTHONY J. ANNUCCI, individually and in his official capacity as Acting Commissioner of the New York State Department of Corrections and Community Supervision, ADA PEREZ, individually and in her official capacity as Superintendent of Downstate Correctional Facility, SERGEANT KATHY TODD-SCOTT, individually and in her official capacity, CORRECTIONAL OFFICER GEORGE SANTIAGO, individually and in his official capacity, CORRECTIONAL OFFICER DONALD COSMAN, individually and in his official capacity, CORRECTIONAL OFFICER CARSON MORRIS, individually and in his official capacity, CORRECTIONAL OFFICER ANDREW LOWERY, individually and in his official capacity, SUSAN LANGFORD, RN-II, individually and in her official capacity, PANDORA A. VOLPE RN-II, individually and in her official capacity, WILLIAM MANY, individually and in his official capacity as Deputy Superintendent for Security of Downstate Correctional Facility, MARIO MALVAROSA, M.D., individually and in his official capacity as Downstate Correctional Facility Health Services Director, and SERGEANT JOHN DOE, individually and in his official capacity,

Defendants.

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PLAINTIFF'S NOTICE OF MOTION FOR SUMMARY JUDGMENT AND DISMISSAL
AGAINST DEFENDANTS KATHY TODD-SCOTT, GEORGE SANTIAGO,
CARSON MORRIS, AND ANDREW LOWERY

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Philip M. Hines, dated November 30, 2018, together with the exhibits annexed thereto, Plaintiff's Statement of Material Facts, and the accompanying Memorandum of Law filed herewith, plaintiff Kevin Moore,

by his attorneys, Held & Hines, LLP, will move this Court, before the Honorable Kenneth M. Karas, U.S.D.J. for the Southern District of New York, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York 10601, pursuant to Fed. R. Civ. P. 56 and 12(f), for an Order granting Plaintiff summary judgment against defendants Kathy Todd-Scott, George Santiago, Carson Morris, and Andrew Lowery, striking the defendants' affirmative defenses, and dismissing Todd-Scott's counterclaim, together with such other and further relief as this Court may deem just and proper.

Plaintiff further states that the Court gave Plaintiff permission to file this summary judgment motion

Dated: Brooklyn, New York
November 30, 2018

Respectfully submitted,

HELD & HINES, L.L.P.

By: /s/ Philip M. Hines
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